

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of

GOTZ et al

Atty Ref: 4662-221

Serial No. 10/587,947

Group: 4171

Filed: October 19, 2006

Examiner: Frances Tischler

For: **BLOCK COPOLYETHERESTER ELASTOMER AND PREPARATION THEREOF**

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Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Statutory Declaration

Sir:

The undersigned, Pieter Gijsman, hereby declares and states pursuant to 37 CFR §1.132 that:

1. I am a named co-inventor of the U.S. Patent No. 6,380,290 ("the '290 patent").
2. For all times relevant to the facts stated herein, I have been employed by DSM in the position of Research Scientist.
3. On information and belief, I understand that the '290 patent has been cited and applied by the U.S. Patent Examiner to reject the pending claims in the abovementioned application 10/587,947 ("947 application") as anticipated under 35 USC §102(b).
4. I confirm that the relevant experiments performed in the '290 patent were conducted using a copolyetherester under the trade names PL 380, PL 580 and PL 720.
5. The copolyetherester under the trade names PL 380, PL 580 and PL 720 were each derived from a poly(alkylene oxide) polyol, comprising an poly(propylene oxide), and capped with ethylene oxide with an unsaturation content in the range of 36 to 50 meq per kg poly(alkylene oxide) polyol.
6. I have read the '947 application and conclude that claim 1 is not anticipated by the '290 patent since the '290 patent does not disclose a poly(alkylene oxide) polyol with an unsaturation content in the range of 40 to 50 meq per kg poly(alkylene oxide) polyol.



7. I also confirm that comparative example 1 in the '947 application corresponds to the formulation used in PL 380 of the '290 patent.
8. PL580 and PL720 had a poly(alkylene oxide) polyol content of 30 wt% and 10 wt% respectively, relative to the total weight of the copolyetherester.
9. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

A handwritten signature in black ink, appearing to read 'P. Gijsman', written over a horizontal line.

Pieter Gijsman

Date signed

November, 20, 2008